

SENATE BILL 2955  
By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state of Tennessee, or on any streets or alleys, or while on the premises of any shopping center, trailer park or any apartment house complex, or any other premises which is generally frequented by the public at large, while:

- (1) under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or
- (2) the alcohol concentration in such person's blood or breath is ten-hundredths of one percent (.10%) or more.

(b) For the purpose of this section, "drug producing stimulating effects on the central nervous system" includes the salts of barbituric acid, also known as malonyl urea, or any compound, derivatives, or mixtures thereof that may be used for producing hypnotic or somnifacient effects, and includes amphetamine, desoxyephedrine or compounds or mixtures thereof, including all derivatives of phenylethylamine or any of the salts thereof, except preparations intended for use in the nose and unfit for internal use.

SECTION 2. Tennessee Code Annotated, Section 55-10-408, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) For the purpose of proving a violation of Tennessee Code Annotated, Section 55-10-401(a)(1), evidence that there was, at the time alleged, ten-hundredths of one percent (.10%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of §55-10-401(a)(1).

SECTION 3. Tennessee Code Annotated, Section 55-10-408, is further amended by deleting from the end of the first sentence of subsection (b) the citation "§55-10-401" and substituting instead the citation "§55-10-401(a)(1)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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